

PTO Form 1857 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78628078
LAW OFFICE ASSIGNED	LAW OFFICE 102
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<p>The Final Office action dated August 8, 2006 has been carefully considered. In the Office action, the examining attorney maintained her prior refusal to register the mark TRIPLE COLA in view of three (3) registrations for the mark DOUBLE COLA owned by Double Cola Co.</p> <p>As applicant previous stated in its June 9, 2006 response to the first Office action, applicant disagreed with the examining attorney for several reasons. Specifically, applicant argued that the respective marks have co-existed for forty-two (42) years without any evidence of actual confusion. In addition, applicant pointed out the visual and phonetic differences between the respective marks preclude any likelihood of confusion between the marks. Applicant respectfully requests re-consideration of those arguments and incorporates them herein by reference. In addition, applicant respectfully requests that the examining attorney consider an additional argument that was not previously raised and which applicant believes supports registration of the instant application.</p> <p style="text-align: center;"><b>A. Marks Containing the Terms "Triple" and "Double" Have Co-Existed and Continue to Co-Exist Without any Likelihood of Confusion</b></p> <p>There is substantial evidence that marks which contain the terms "double" and "triple" followed by a generic term can successfully co-exist without any likelihood of confusion. A search of the Trademark Electronic Search System (TESS) reveal many live applications and registrations in International Class 32 for marks with different owners which contain the terms "double" and "triple". Specifically, the search revealed seventeen (18) live applications and registrations for marks containing the term "Triple" in International Class 32 (Exhibit 1) and thirty-three (39) live applications and registrations for marks containing the term "Double" in International Class 32 (Exhibit 2).</p> <p>Moreover, other marks co-exist containing the term "Cola" followed by a number. Specifically, the following application/registration exists (attached as Exhibit 3):</p> <ul style="list-style-type: none"> <li>• <b>COLA2 (Application Serial No. 78/619,200) for "soft drinks." This registration is owned by Sulo, Inc. for marks containing the common term. (A Notice of Allowance has been issued on this application).</b></li> </ul>	

- **COLA ONE (Registration No. 1,532,289) for "cola soft drinks and syrups used to mark soft drinks." This registration is owned by Jame Gerakaris.**

In addition, marks containing the term "triple" and "double" for related products have long co-existed on the trademark register. For example, the following is a sample of registrations which currently co-exist:

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TRIPLE ACTION	Mary Kay, Inc.	3	cosmetics, namely eye cream...
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TRIPLE PLAY	Haselson International	25	men's, women's, children's and infant's clothing
DOUBLE STAR	Doublestar Group Co., Ltd.	25	clothing, namely, shirts, pants, dresses, hats, socks, shoes and belts
TRIPLE STAR	Bronson Sales, Corp.	25	children's, ladies and men's coats
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TRIPLE THICK	McDonalds's Corp.	30	flavored, dairy based shake...
DOUBLE PLAY	Sara Lee Foods	30	hot dog in a bun
THE TRIPLE PLAY	DFO, LLC.	30	breakfast menu meals consisting primarily of eggs...
DOUBLE CHOCOLATE COFFEE TOFFEE	Organics Foods	30	baked goods, namely cookies
TRIPLE CHOCOLATE MELTDOWN	Applebee's International, Inc.	30	ice cream desserts sold in restaurants
DOUBLE CASH MONEY	Multimedia Games, Inc.	9	gaming machines, namely, electronic slot and bingo machines; video lottery terminals
TRIPLE CASH	IGT Corp.	9	gaming machines, namely, slot machines with or without video input
DOUBLE EAGLE	Autotote Systems, Inc.	9	video wagering gaming machines and associated software
TRIPLE EAGLE	Aristocrat Technologies Australia Pty Ltd.	9	gaming devices, namely, gaming machines and associated software for use therewith

(Copies of these registrations are attached as Exhibits 4-11)

In view of the foregoing, applicant respectfully requests that application be approved for publication.

**EVIDENCE SECTION**

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RESPONSE SIGNATURE	/David B. Sunshine/
SIGNATORY'S NAME	David B. Sunshine
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	01/11/2007
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Jan 11 12:42:47 EST 2007
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PTO Form 1957 (Rev 9/05)

OMB No. 0651-0050 (Exp. 04/2009)

## Response to Office Action

### To the Commissioner for Trademarks:

Application serial no. **78628078** has been amended as follows:

#### Argument(s)

In response to the substantive refusal(s), please note the following:

The Final Office action dated August 8, 2006 has been carefully considered. In the Office action, the examining attorney maintained her prior refusal to register the mark TRIPLE COLA in view of three (3) registrations for the mark DOUBLE COLA owned by Double Cola Co.

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supports registration of the instant application.

**A. Marks Containing the Terms "Triple" and "Double" Have Co-Existed and Continue to Co-Exist Without any Likelihood of Confusion**

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(Copies of these registrations are attached as Exhibits 4-11)

In view of the foregoing, applicant respectfully requests that application be approved for publication.

#### **Evidence**

Evidence in the nature of Exhibits 1-11 are TESS printouts has been attached.

#### **Original PDF file:**

[http://teasgate/ROA/2007/01/11/20070111124247600519-78628078-011\\_001/evi\\_1210524212-122319721\\_.\\_Trip1.pdf](http://teasgate/ROA/2007/01/11/20070111124247600519-78628078-011_001/evi_1210524212-122319721_._Trip1.pdf)

**Converted PDF file(s) (2 pages)**

Evidence-1

Evidence-2

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Evidence-3

Evidence-4

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- Evidence-1
- Evidence-2

Evidence-3

Evidence-4

**Response Signature**

Signature: /David B. Sunshine/ Date: 01/11/2007

Signatory's Name: David B. Sunshine

Signatory's Position: Attorney for Applicant

Serial Number: 78628078

Internet Transmission Date: Thu Jan 11 12:42:47 EST 2007

TEAS Stamp: USPTO/ROA-12.105.24.212-2007011112424760

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Start  List At:  OR  Jump to record:  **18 Records(s) found (This page: 1 ~ 18)**

Refine Search

Current Search: S5: triple [bi] and 032 [ic] and live [ld] docs: 18 occ: 56

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2	78628078		TRIPLE COLA	TARR	LIVE
3	78748189		TRIPLE DOUBLE	TARR	LIVE
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EXHIBIT 1





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Current Search: S4: double [bi] and 032 [ic] and live [ld] docs: 39 occ: 125

Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78903578	DOUBLE PLOW OATMEAL STOUT	TARR	LIVE
2	78696657	THE DOUBLE DEUCE	TARR	LIVE
3	78807437	DOUBLE PLAY	TARR	LIVE
4	78650215	DOUBLE BEAN ELIXIR	TARR	LIVE
5	78935227	DOUBLE DARE YOU	TARR	LIVE
6	78748189	TRIPLE DOUBLE	TARR	LIVE
7	78677817	3112047 DOUBLE BASTARD	TARR	LIVE
8	78584642	DOUBLE TROUBLE	TARR	LIVE
9	78510835	JUAN VALDEZ DOUBLEKICK	TARR	LIVE
10	78584616	DOUBLE BARREL	TARR	LIVE
11	78016918	2778612 BIRRA PERONI IMPORTED ITALIAN BEER GRAN RISERVA IMPORTED ITALIAN BEER CREATED FROM A 150 YEAR OLD RECIPE BY GIOVANNI PERONI, GRAN RISERVA IS AN AMBER COLORED LAGER CRAFTED WITH EXPERT CARE BY BIRRA PERONI'S MASTER BREWERS. THE FINEST SOAZ HOPS AND CHERIE SPRING PLANTED BARLEY MALT ARE USED TO BREW GRAN RISERVA'S RICH, DOUBLE-MALT FLAVOR. GIOVANNI PERONI	TARR	LIVE
12	78354534	2990560 DOUBLE HIT	TARR	LIVE
13	77002003	DANNON DOUBLE DELIGHTS	TARR	LIVE
14	77036634	DOUBLETIME	TARR	LIVE
15	77020489	HOP JUICE DOUBLE IPA	TARR	LIVE
16	76055793	A LE COQ LONDON. IMPERIAL EXTRA DOUBLE STOUT	TARR	LIVE
17	76496038	2954175 MISSION ALE DOUBLE HAPPY VALLEY BREWING CO.	TARR	LIVE
18	76976409	2839122 STARBUCKS DOUBLESLOT	TARR	LIVE
19	76399305	2720925 TROEGENATOR DOUBLEBOCK	TARR	LIVE

EXHIBIT 2

20	76121679	2566869	DEL'S ORIGINAL DOUBLE BARREL HARD LEMONADE	TARR	LIVE
21	76121678	2569501	DEL'S ORGINAL DOUBLE BARREL HARD LEMONADE	TARR	LIVE
22	76121677	2566868	DEL'S ORIGINAL DOUBLE BARREL HARD LEMONADE	TARR	LIVE
23	75672624	2359818	DOUBLE BLUE	TARR	LIVE
24	75749658	2343672	DOUBLE COOL	TARR	LIVE
25	75234802	2179510	DOUBLE BAG	TARR	LIVE
26	75057299	2134906	DOUBLE BARREL ALE	TARR	LIVE
27	74646403	2016421	DOUBLE MALT	TARR	LIVE
28	74287557	1748771	DOUBLE DEUCE	TARR	LIVE
29	74580830	2000639	DOUBLE EAGLE	TARR	LIVE
30	74002867	1615968	DOUBLE GULP	TARR	LIVE
31	73531163	1411572	CELEBRATOR DOPPELBOCK FINEST BAVARIAN DOUBLE BOCK BEER	TARR	LIVE
32	73785856	1566263	DOUBLE GULP	TARR	LIVE
33	73456096	1359558	DOUBLE COLA	TARR	LIVE
34	73185261	1129371	DOUBLE COLA	TARR	LIVE
35	72332824	0906898	BREWED WITH SPARKLING PURE SPRING WATERHEILEMAN'S OLD STYLE PURE GENUINE LIGHT LAGER BEER CHOICEST HOPS - GENUINE DOUBLE LAGERING - OLD WORLD METHONDS	TARR	LIVE
36	72304351	0928408	DOUBLE DIAMOND	TARR	LIVE
37	71564834	0572477	DOUBLE COLA	TARR	LIVE
38	71483118	0429772	DOUBLE MEASURE DOUBLE PLEASURE	TARR	LIVE
39	71417673	0372021	DOUBLE-DRY	TARR	LIVE

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# COLA2

<b>Word Mark</b>	COLA2
<b>Goods and Services</b>	IC 032. US 045 046 048. G & S: Soft drinks
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Design Search Code</b>	
<b>Serial Number</b>	78619200
<b>Filing Date</b>	April 28, 2005
<b>Current Filing Basis</b>	1B
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	June 6, 2006
<b>Owner</b>	(APPLICANT) Sulo, Inc. CORPORATION NORTH CAROLINA 39-C Biltmore Avenue Asheville NORTH CAROLINA 28801
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE COLA APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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<b>Word Mark</b>	<b>COLA ONE</b>
<b>Goods and Services</b>	IC 032. US 045. G & S: COLA SOFT DRINKS AND SYRUPS USED TO MAKE SOFT DRINKS. FIRST USE: 19880101. FIRST USE IN COMMERCE: 19880210
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.13.12 - Quadrilaterals with bars, bands and lines 26.13.21 - Quadrilaterals that are completely or partially shaded
<b>Serial Number</b>	73712678
<b>Filing Date</b>	February 22, 1988
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	January 3, 1989
<b>Registration Number</b>	1532289
<b>Registration Date</b>	March 28, 1989
<b>Owner</b>	(REGISTRANT) GERAKARIS, JAMES INDIVIDUAL UNITED STATES 48-10 SKILLMAN AVENUE LONG ISLAND CITY NEW YORK 11104
<b>Attorney of Record</b>	EZRA SUTTON, ESQ.
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COLA" APART FROM THE MARK AS SHOWN
<b>Description of Mark</b>	THE DRAWING IS LINED FOR THE COLORS BLUE AND RED.
<b>Type of Mark</b>	TRADEMARK

**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR).  
**Live/Dead Indicator** LIVE

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#### Typed Drawing

Word Mark DOUBLE ACTION  
 Goods and Services IC 003. US 001 004 006 050 051 052. G & S: facial creams, eye creams, body lotion. FIRST USE: 19961200. FIRST USE IN COMMERCE: 19961200  
 Mark Drawing Code (1) TYPED DRAWING  
 Design Search Code  
 Serial Number 75527315  
 Filing Date July 29, 1998  
 Current Filing Basis UNKNOWN  
 Original Filing Basis 1B  
 Published for Opposition March 23, 1999  
 Registration Number 2336768  
 Registration Date March 28, 2000  
 Owner (REGISTRANT) CHARLES REVSON INC. CORPORATION NEW YORK 237 PARK AVE New York NEW YORK 10017  
 Assignment Recorded ASSIGNMENT RECORDED  
 Attorney of Record JOHN N O'SHEA  
 Type of Mark TRADEMARK  
 Register PRINCIPAL  
 Affidavit Text SECT 15. SECT 8 (6-YR).  
 Live/Dead Indicator LIVE

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**Typed Drawing**

**Word Mark** TRIPLE-ACTION  
**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: cosmetics, namely eye cream \*sold through independent sales consultants, demonstrators and other individuals who sell directly to consumers away from a fixed business location by means of personal home and private demonstrations, sales 'parties' and like group gatherings of individual consumers\*. FIRST USE: 19950100. FIRST USE IN COMMERCE: 19950200  
**Mark Drawing Code** (1) TYPED DRAWING  
**Design Search Code**  
**Serial Number** 74637742  
**Filing Date** February 24, 1995  
**Current Filing Basis** 1A  
**Original Filing Basis** 1A  
**Published for Opposition** October 17, 1995  
**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED  
**Registration Number** 1946965  
**Registration Date** January 9, 1996  
**Owner** (REGISTRANT) MARY KAY INC. CORPORATION DELAWARE 16251 DALLAS PARKWAY Dallas TEXAS 75248  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Type of Mark** TRADEMARK

Register PRINCIPAL  
Affidavit Text SECT 15. SECT 8 (6-YR).  
Live/Dead Indicator LIVE

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**Typed Drawing**

**Word Mark** DOUBLE PLAY

**Goods and Services** IC 025. US 039. G & S: Girdles and Brassieres. FIRST USE: 19600404. FIRST USE IN COMMERCE: 19600404

**Mark Drawing Code** (1) TYPED DRAWING

**Design Search Code**

**Serial Number** 72096775

**Filing Date** May 9, 1960

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Registration Number** 0718269

**Registration Date** July 11, 1961

**Owner** (REGISTRANT) Warner Brothers Company, The CORPORATION CONNECTICUT 325 LAFAYETTE ST. Bridgeport CONNECTICUT

(LAST LISTED OWNER) WARNACO U.S., INC. CORPORATION BY CHANGE OF NAME, BY CHANGE OF NAME, BY MERGER, BY ASSIGNMENT DELAWARE 90 PARK AVENUE NEW YORK NEW YORK 10016

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** KAREN ARTZ ASH

**Type of Mark Register** TRADEMARK PRINCIPAL

EXHIBIT 5

**Affidavit Text**    SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20020419.  
**Renewal**            2ND RENEWAL 20020419  
**Live/Dead Indicator**    LIVE

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**Typed Drawing**

<b>Word Mark</b>	TRIPLE PLAY
<b>Goods and Services</b>	IC 025. US 022 039. G & S: MEN'S, WOMEN'S, CHILDREN AND INFANT'S CLOTHING, NAMELY, SHIRTS, BLOUSES, PANTS, SHORTS, HOSIERY, JACKETS, UNDERWEAR, SWEATERS, HATS, BATHING SUITS AND SLEEPWEAR. FIRST USE: 20030401. FIRST USE IN COMMERCE: 20030401
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	78272517
<b>Filing Date</b>	July 10, 2003
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	March 23, 2004
<b>Registration Number</b>	2913921
<b>Registration Date</b>	December 21, 2004
<b>Owner</b>	(REGISTRANT) Haselson International Trading, Inc. CORPORATION NEW YORK Suite 5316 350 Fifth Avenue New York NEW YORK 10118
<b>Attorney of Record</b>	Lisa A. Pieroni
<b>Type of Mark Register</b>	TRADEMARK PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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**Word Mark** DOUBLE STAR

**Translations** The non-Latin character(s) in the mark transliterates into shuang xing, and this means double star in English. The foreign wording in the mark translates into English as double star.

**Goods and Services** IC 025. US 022 039. G & S: clothing, namely shirts, pants, dresses, hats, socks, shoes, and belts. FIRST USE: 19930415. FIRST USE IN COMMERCE: 19930415

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 01.01.02 - Stars with four points  
 01.01.09 - Stars, two; Two stars  
 26.01.02 - Circles, plain single line; Plain single line circles  
 26.01.08 - Circles having letters or numerals as a border; Circles having punctuation as a border; Letters, numerals or punctuation forming or bordering the perimeter of a circle  
 26.01.11 - Circles comprised of animals; Circles comprised of geometric figures; Circles comprised of humans; Circles comprised of letters or numerals; Circles comprised of plants; Circles comprised of punctuation; Letters, numerals, punctuation, geometric figures, objects, humans, plants or animals comprising a circle  
 28.01.03 - Asian characters; Chinese characters; Japanese characters

**Serial Number** 76544069

**Filing Date** September 11, 2003

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Published for** October 18, 2005

EXHIBIT 6

**Opposition**

**Registration Number** 3038961

**Registration Date** January 10, 2006

**Owner** (REGISTRANT) Doublestar Group Co., LTD CORPORATION CHINA No. 45 Qutang Xia Road Qingdao CHINA

**Description of Mark** The mark consists of STYLIZED DESIGN INCLUDING THE WORDS 'DOUBLE' AND 'STAR'; two overlapping 3-D stars resting on a circular rim with the words 'DOUBLE STAR' curved above the rim.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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**Typed Drawing**

<b>Word Mark</b>	TRIPLE STAR
<b>Goods and Services</b>	IC 025. US 022 039. G & S: CHILDRENS, LADIES AND MENS COATS, JACKETS, ANORAKS, SNOWSUITS, SKI PANTS AND SKI JACKETS. FIRST USE: 20041001. FIRST USE IN COMMERCE: 20041001
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	76438152
<b>Filing Date</b>	August 5, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	January 27, 2004
<b>Registration Number</b>	2952382
<b>Registration Date</b>	May 17, 2005
<b>Owner</b>	(REGISTRANT) BRONSON SALES CORP. CORPORATION NEW YORK 1407 Broadway, Suite 204 New York NEW YORK 10018
<b>Attorney of Record</b>	L. Donald Prutzman
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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# DOUBLE THICK

<b>Word Mark</b>	DOUBLE THICK
<b>Goods and Services</b>	IC 030. US 046. G & S: cookies. FIRST USE: 20050500. FIRST USE IN COMMERCE: 20050500
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Design Search Code</b>	
<b>Serial Number</b>	78622492
<b>Filing Date</b>	May 4, 2005
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Supplemental Register Date</b>	June 5, 2006
<b>Registration Number</b>	3140669
<b>Registration Date</b>	September 5, 2006
<b>Owner</b>	(REGISTRANT) Archway Cookies, LLC CORPORATION DELAWARE P.O. Box 762 5451 Dickman Road Battle Creek MICHIGAN 49016
<b>Attorney of Record</b>	HOWARD C MISKIN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	SUPPLEMENTAL
<b>Live/Dead Indicator</b>	LIVE

EXHIBIT 7

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### Typed Drawing

<b>Word Mark</b>	TRIPLE THICK
<b>Goods and Services</b>	IC 030. US 046. G & S: FLAVORED, DAIRY BASED SHAKE FOR CONSUMPTION ON OR OFF THE PREMISES. FIRST USE: 19990331. FIRST USE IN COMMERCE: 19990331
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	78128599
<b>Filing Date</b>	May 14, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	December 3, 2002
<b>Registration Number</b>	2768281
<b>Registration Date</b>	September 23, 2003
<b>Owner</b>	(REGISTRANT) McDONALD'S CORPORATION CORPORATION DELAWARE ONE McDONALD'S PLAZA OAK BROOK ILLINOIS 60523
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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## DOUBLE PLAY

<b>Word Mark</b>	<b>DOUBLE PLAY</b>
<b>Goods and Services</b>	IC 030. US 046. G & S: hot dog in a bun. FIRST USE: 20030815. FIRST USE IN COMMERCE: 20030815
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Design Search Code</b>	
<b>Serial Number</b>	78360840
<b>Filing Date</b>	February 2, 2004
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	November 2, 2004
<b>Registration Number</b>	2920914
<b>Registration Date</b>	January 25, 2005
<b>Owner</b>	(REGISTRANT) SARA LEE FOODS, INC. CORPORATION DELAWARE 10151 CARVER ROAD LAW DEPARTMENT CINCINNATI OHIO 45242
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Bruce O. Bradford, Esq.
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

EXHIBIT 8

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#### Typed Drawing

<b>Word Mark</b>	THE TRIPLE PLAY
<b>Goods and Services</b>	IC 029. US 046. G & S: breakfast menu meals consisting primarily of eggs for consumption on or off the premises. FIRST USE: 20010904. FIRST USE IN COMMERCE: 20010904
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	76403476
<b>Filing Date</b>	May 3, 2002
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	November 12, 2002
<b>Registration Number</b>	2683459
<b>Registration Date</b>	February 4, 2003
<b>Owner</b>	(REGISTRANT) DFO, Inc. CORPORATION DELAWARE 203 East Main St. Spartanburg SOUTH CAROLINA 29319  (LAST LISTED OWNER) DFO, LLC. LTD LIAB CO 203 EAST MAIN STREET SPARTANBURG SOUTH CAROLINA 29319
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	Timothy E. Flemming
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL

Live/Dead  
Indicator

LIVE

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<b>Word Mark</b>	DOUBLE CHOCOLATE COFFEE TOFFEE
<b>Goods and Services</b>	IC 030. US 046. G & S: Baked goods, namely, cookies. FIRST USE: 20010200. FIRST USE IN COMMERCE: 20010200
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.11.21 - Rectangles that are completely or partially shaded 26.11.28 - Miscellaneous designs with overall rectangular shape; Rectangular shapes (miscellaneous overall shape)
<b>Serial Number</b>	76277533
<b>Filing Date</b>	June 28, 2001
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	March 11, 2003
<b>Registration Number</b>	2720554
<b>Registration Date</b>	June 3, 2003
<b>Owner</b>	(REGISTRANT) Organica Foods CORPORATION CALIFORNIA 10061 Riverside Drive Suite 807 Toluca Lake CALIFORNIA 91602
<b>Attorney of Record</b>	Scott J. Major, Esq.
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "DOUBLE CHOCOLATE COFFEE TOFFEE" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK

EXHIBIT 9

Register PRINCIPAL  
Live/Dead Indicator LIVE

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#### Typed Drawing

<b>Word Mark</b>	TRIPLE CHOCOLATE MELTDOWN
<b>Goods and Services</b>	IC 030. US 046. G & S: ICE CREAM DESSERTS SOLD IN RESTAURANTS. FIRST USE: 20030327. FIRST USE IN COMMERCE: 20030327
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	78225340
<b>Filing Date</b>	March 13, 2003
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	May 2, 2006
<b>Registration Number</b>	3119040
<b>Registration Date</b>	July 25, 2006
<b>Owner</b>	(REGISTRANT) APPLEBEE'S INTERNATIONAL, INC. CORPORATION DELAWARE 4551 WEST 107TH STREET, SUITE 100 OVERLAND PARK KANSAS 66207
<b>Attorney of Record</b>	J. DAVID WHARTON, REG. NO. 25,717
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TRIPLE CHOCOLATE" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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## Double Cash Money

**Word Mark**                    **DOUBLE CASH MONEY**

**Goods and Services**        IC 009. US 021 023 026 036 038. G & S: gaming machines, namely electronic slot and bingo machines; video lottery terminals. FIRST USE: 20040825. FIRST USE IN COMMERCE: 20040825

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Design Search Code**

**Serial Number**                78463337

**Filing Date**                    August 6, 2004

**Current Filing Basis**         1A

**Original Filing Basis**        1B

**Published for Opposition**    June 28, 2005

**Registration Number**         3136763

**Registration Date**            August 29, 2006

**Owner**                         (REGISTRANT) Multimedia Games, Inc. CORPORATION TEXAS 206 Wild Basin Rd. S. Bldg B - 4th Flr Austin TEXAS 78746

**Attorney of Record**        Peter J Alessandria

EXHIBIT 10

Type of Mark      TRADEMARK  
Register            PRINCIPAL  
Live/Dead Indicator LIVE

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<b>Word Mark</b>	<b>TRIPLE CASH</b>
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: gaming machines, namely, slot machines with or without a video output. FIRST USE: 19951200. FIRST USE IN COMMERCE: 19960300
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric 26.03.21 - Ovals that are completely or partially shaded
<b>Serial Number</b>	75031729
<b>Filing Date</b>	December 12, 1995
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	August 26, 1997
<b>Registration Number</b>	2148113
<b>Registration Date</b>	March 31, 1998
<b>Owner</b>	(REGISTRANT) IGT CORPORATION NEVADA 9295 PROTOTYPE DRIVE Reno NEVADA 895218986
<b>Attorney of Record</b>	SANA HAKIM
<b>Prior Registrations</b>	2029173;2044747

**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "TRIPLE CASH" APART FROM THE MARK AS SHOWN

**Description of Mark** The mark comprises "TRIPLE CASH" integrated into an elliptical design featuring a highly stylized scroll design.

**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator** LIVE

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**Typed Drawing**

<b>Word Mark</b>	<b>DOUBLE EAGLE</b>
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Video wagering gaming machines and associated software. FIRST USE: 19990614. FIRST USE IN COMMERCE: 19990614
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	75416619
<b>Filing Date</b>	January 12, 1998
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	December 29, 1998
<b>Registration Number</b>	2309798
<b>Registration Date</b>	January 18, 2000
<b>Owner</b>	(REGISTRANT) Autotote Systems, Inc. CORPORATION DELAWARE 1500 Bluegrass Lakes Parkway Alpharetta GEORGIA 30004
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
<b>Attorney of Record</b>	BARRY R LIPSITZ
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Affidavit Text</b>	SECT 15. SECT 8 (6-YR).
<b>Live/Dead Indicator</b>	LIVE

**EXHIBIT** 11

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**Typed Drawing**

<b>Word Mark</b>	<b>TRIPLE EAGLE</b>
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Gaming devices, namely, gaming machines and associated software for use therewith. FIRST USE: 20030916. FIRST USE IN COMMERCE: 20030916
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Design Search Code</b>	
<b>Serial Number</b>	76512977
<b>Filing Date</b>	May 9, 2003
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	December 2, 2003
<b>Registration Number</b>	2990052
<b>Registration Date</b>	August 30, 2005
<b>Owner</b>	(REGISTRANT) Aristocrat Technologies Australia Pty Ltd LTD LIAB CO AUSTRALIA 71 Longueville Road Lane Cove, 2066, NSW AUSTRALIA
<b>Attorney of Record</b>	Bernhard Kreten
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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